

MITCHELL S. FUERST  
Florida Bar No. 264598  
mfuerst@fuerstlaw.com  
ANDREW S. ITTLEMAN  
Florida Bar No. 802441  
aittleman@fuerstlaw.com  
Fuerst Ittleman, PL  
1001 Brickell Bay Drive, Suite 2002  
Miami, Florida 33131  
Telephone: (305) 350-5690  
Facsimile: (305) 371-8989  
Appearing *pro hac vice*

LESLIE HOLMES  
California Bar No. 192608  
Leslie@HULawyers.com  
HOLMES & USOZ, LLP  
333 West Santa Clara Street, Suite 805  
San Jose, California 95113  
Telephone: (408) 292-7600  
Facsimile: (408) 292-7611

Attorney for Defendants:  
WELLNESS SUPPORT NETWORK, INC.,  
ROBERT HELD, and  
ROBYN HELD

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

WELLNESS SUPPORT NETWORK, INC., a  
corporation, ROBERT HELD, individually and  
as an officer of Wellness Support Network,  
Inc., and ROBYN HELD, individually and as  
an officer of Wellness Support Network, Inc.,

Defendants.

Case No.: 3:10-cv-04879-JCS

**JOINT STIPULATION TO REVISE  
SCHEDULE; DECLARATION OF  
ANDREW S. ITTLEMAN IN SUPPORT**

Hearing Date: TBD  
Courtroom A, 15th Floor

Magistrate Judge: Hon. Joseph C. Spero

## I. INTRODUCTION AND PROCEDURAL HISTORY

On November 9, 2011, pursuant to a stipulation by the parties to revise schedule for this matter, (Dkt. #53), the Court entered an order (Dkt. #54) setting deadlines for, among other things, the exchange of expert reports for settlement purposes and the settlement conference for this matter.

Pursuant to this Court's November 9, 2011 Order, settlement-only expert reports are currently due to be exchanged by January 31, 2012, and the case settlement conference before Magistrate Judge Corley is scheduled for March 14, 2012. (Dkt. #55). Additionally, on December 15, 2011, the Court entered an Order scheduling a case management conference in this matter for April 6, 2012. (Dkt. #61). However, given the volume of information in this matter to be reviewed by the parties' experts, the complexities associated with this case, as well as undersigned counsel's scheduling conflicts, the parties have stipulated to extend these deadlines.

For the reasons set forth above, pursuant to L.R. 6-2 and L.R. 7-12, the parties respectfully request that the deadlines set in the Court's November 9, 2011 Order for the exchange of settlement-only expert reports be extended for a period of 30 days to March 1, 2012. The parties also respectfully request the Court to forward to the Honorable Magistrate Judge Corley the parties' request that the settlement conference scheduled for March 14, 2012, be rescheduled to any day in April of 2012 after April 17. The parties further request that the case management conference currently scheduled for April 6, 2012 be rescheduled to a date after the settlement conference has occurred.

The parties respectfully note that irrespective of the change in dates for the settlement conference and exchange of expert reports for settlement purposes, fact discovery will not be impeded by this proposed revised schedule.

The proposed schedule is set forth below.

1     **II.    PROPOSED REVISED SCHEDULE**

2           The parties propose the following modifications to the current schedule for this case:

3           1.       The parties shall exchange expert reports for settlement purposes only by March 1,  
4     2012.

5           2.       The case settlement conference scheduled before Magistrate Judge Corley for March  
6     14, 2012, is requested to be reset for a date in April of 2012 after April 17 which is convenient for  
7     Magistrate Judge Corley.

8           3.       The case management conference currently scheduled for April 6, 2012 is rescheduled  
9     to a date after the settlement conference has occurred.

10     **III.   CONCLUSION**

11           The parties respectfully request that the Court revise the schedule as set forth above, and  
12     submit our request regarding the Settlement Conference date to the Honorable Magistrate Judge  
13     Corley.

14     Respectfully submitted,

15     Dated: January 18, 2012

FUERST ITTLEMAN, PL

HOLMES & USOZ, LLP

By: /s/ Andrew S. Ittleman

Andres S. Ittleman

Mitchell S. Fuerst

Attorneys for Defendants, WELLNESS  
SUPPORT NETWORK, ROBERT HELD, and  
ROBYN HELD

By: /s/ Leslie Holmes

Leslie Holmes

Attorney for Defendants, WELLNESS  
SUPPORT NETWORK, ROBERT HELD, and  
ROBYN HELD

1 Dated: January 18, 2012

FEDERAL TRADE COMMISSION

2 By: /s/ Laura Fremont

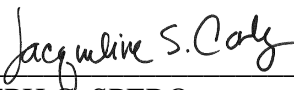
3 Laura Fremont

4 Kenneth H. Abbe

5 Attorney for Plaintiff, FEDERAL TRADE  
COMMISSION

6 PURSUANT TO STIPULATION, IT IS SO ORDERED

7 DATED: January 23, 2012



8 ~~JOSEPH C. SPERO~~

UNITED STATES MAGISTRATE JUDGE

Jacqueline Scott Corley

9  
10 The settlement conference scheduled for March 14, 2012 is vacated and rescheduled to  
11 May 4, , 2012 at 9:30 a.m. before Magistrate Judge Corley. The settlement conference  
12 order issued on September 16, 2011 remains in effect.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF ANDREW S. ITTLEMAN  
IN SUPPORT OF JOINT STIPULATION TO REVISE SCHEDULE**

I, ANDREW S. ITTLEMAN, declare as follows:

1. I am counsel for Wellness Support Network, Inc. ("Wellness"), Robert Held and Robyn Held, (hereinafter collectively referred to as "Defendants"), Defendants in the above-captioned action. I make this Declaration in support of the foregoing Joint Stipulation to Revise Schedule. I have personal knowledge of each of the following facts, and would and could competently testify thereto if called upon to do so in a court of law.

2. **Reasons for the requested enlargement of time (Local Rule 6-2(a)(1)):** The current deadline for the parties to exchange expert reports for settlement purposes only is January 31, 2012, and a settlement conference is currently scheduled before Magistrate Judge Corley for March 14, 2012. Additionally, a case management conference is currently scheduled for April 6, 2012. However, given the volume of information in this matter to be reviewed by the parties' experts, the complexities associated with this case, as well as undersigned counsel's scheduling conflicts, the parties have stipulated to extend these deadlines and to respectfully ask the Court to convey to Magistrate Judge Corley a request that the settlement conference be rescheduled to a date in April of 2012 after April 17.

3. **Disclosure of all previous time modifications (Local Rule 6-2(a)(2)):** The Plaintiff filed its Complaint (Dkt #1) in this matter on October 28, 2010. Defendants' initial deadline to respond to the Complaint was November 26, 2010. On November 24, 2010, the parties filed a stipulation (Dkt #5) to extend that deadline to December 29, 2010; to set the deadline for Plaintiff to file its opposition to any papers filed by Defendants responsive to the Complaint to January 14, 2011; and to set the hearing for such matters for February 4, 2011. The Court so ordered on November 29, 2010 (Dkt #6).

1 On December 15, 2010, the parties filed a stipulation (Dkt #7) to modify the times set  
2 in the Court's *Order Setting Initial Case Management Conference and ADR Deadlines* (Dkt #3). The  
3 Court so ordered on December 15, 2010 (Dkt #8).

4 On January 26, 2011, the parties filed a Second Stipulation to Revise Schedule (Dkt  
5 #21) to modify the times set in the Court's *Order Setting Initial Case Management Conference and*  
6 *ADR Deadlines* (Dkt #3). The Court so ordered on January 27, 2011 (Dkt #22).

7 On April 4, 2011, the Court entered an Order (Dkt #24) granting in part and denying  
8 in part Defendants' Motion to Dismiss Complaint. As a result of this Order, the parties filed a Joint  
9 Stipulation (Dkt # 25) on April 18, 2011 to provide timeframes for Plaintiff to re-plead its Complaint  
10 in part and for Defendants to file responsive papers. The Court so ordered on April 18, 2011 (Dkt  
11 #26).

12 On May 12, 2011, the parties filed a *Joint Stipulation to Revise Schedule* (Dkt. #28) to  
13 extend by 20 days the time for Defendants to file pleadings responsive to Plaintiff's *First Amended*  
14 *Complaint* (Dkt. #27), and to extend by 20 days the deadlines for the parties to perform the tasks  
15 required by the Court's case management orders. The Court so ordered on May 16, 2011. (Dkt. #29).

16 On June 15, 2011, the parties filed a *Joint Stipulation* (Dkt. # 32) to extend the  
17 deadlines for the Plaintiff to file its opposition to Defendants' Motion to Dismiss, the Defendants'  
18 reply, and the deadlines for the parties to perform the tasks required by the Court's case management  
19 orders. The Court so ordered on June 16, 2011. (Dkt. # 33).

20 On June 28, 2011, the parties filed a *Joint Stipulation to Revise Schedule* (Dkt. # 34) to  
21 extend the deadlines for the Defendants to file their Reply to Plaintiff's Opposition to Defendants'  
22 Motion to Dismiss. The Court so ordered on June 29, 2011. (Dkt. # 36).

On September 7, 2011, the parties filed a *Joint Stipulation to Revise Schedule* (Dkt. #42) to extend the deadlines for the parties to exchange initial disclosures. The Court so ordered on September 29, 2011. (Dkt. #43).

On November 8, 2011, the parties filed a *Joint Stipulation to Revise Schedule RE Exchange of Reports and Settlement Conference* (Dkt. #53) to extend deadlines for the exchange of expert reports for settlement purposes only and to reschedule the case settlement conference in this matter. The Court so ordered on November 9, 2011. (Dkt. #54).

4. **Description of the effect the requested time modification would have on the schedule for the case (Local Rule 6-2(a)(3)):** The proposed time modifications would extend to March 1, 2012 the date by which the parties must exchange expert reports for settlement purposes only. It would also, if the Court requests and Magistrate Judge Corley agrees, reschedule the March 14, 2012 settlement conference to a day in April after April 17, 2012 of Judge Corley's choosing. The proposed time modifications would reschedule the April 6, 2012 case management conference to a day after the case settlement conference of your honor's choosing. However, irrespective of the change in dates for the settlement conference and exchange of expert reports for settlement purposes, fact discovery has commenced and will not be impeded by this revised schedule.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Declaration was executed on January 18, 2012 at Miami, Florida.

/s/ Andrew S. Ittleman  
Andrew S. Ittleman  
Attorney for Defendant